Remarks

Applicant respectfully requests reconsideration of this application as amended. No claims have been amended, cancelled, or added. Claims 4, 6, 15, 18, and 20-24 were previously canceled. Therefore, claims 1-3, 5, 7-14, 16, 17, and 19 are presented for examination.

35 U.S.C. §103(a) Rejection

Claims 1-3, 5, 7-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thomas et al. (U.S. Patent No. 5,752,011) in view of Shiell et al. (U.S. Patent No. 6,138,232) and further in view of Mittal et al. (U.S. Patent No. 5,719,800). Applicant submits that the present claims are patentable over Thomas and Shiell in view of Mittal.

Briefly, Thomas discloses a method for controlling a processor's clock frequency to prevent overheating. Shiell discloses a method of operating a microprocessor. The microprocessor accepts an interrupt from one of a plurality of interrupt sources. Mittal discloses a system to reduce power consumed in an integrated circuit (IC) without substantial impact on the IC's performance in typical applications by throttling performance of particular functional units within the IC.

Claim 1 recites, in part, <u>an artificial activity generator within the power management logic to generate artificial activity within the CPU whenever the temperature of the CPU is below the predetermined threshold to minimize current spikes within the CPU, the artificial activity being simulated instructions for the CPU</u>. Applicant submits that neither Thomas nor Shiell disclose or suggest this feature. The Examiner acknowledges this when stating "Thomas et al. or Shiell et al. do not disclose activity generator simulate instructions for the

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CPU when the temperature of the CPU is below the predetermined threshold." (Office Action mailed 11/02/06 at pg. 3.) However, the Examiner does rely on Mittal to disclose this feature. (Id.)

Applicant further submits that Mittal also does not disclose or suggest the cited feature of claim 1. The Office Action cites column 4, lines 29-57 of Mittal as disclosing the an artificial activity generator within the power management logic to generate artificial activity within the CPU whenever the temperature of the CPU is below the predetermined threshold to minimize current spikes within the CPU, the artificial activity being simulated instructions for the CPU. (Id.) Yet, applicant can find no discussion of an activity generator in power management logic that generates artificial activity to minimize current spikes within a CPU, this artificial activity being simulated instructions for the CPU.

The cited portion of Mittal only discusses the differences between "running some artificial, non-realistic maximum worst-case power consumption sequence of operations at high performance" versus "run[ning] realistic or typical sequences of operations at high performance". (Mittal at col. 4, ll. 38-42.) There is no discussion of an activity generator of power management logic that generates artificial activity to minimize current spikes within a CPU, this artificial activity being simulated instructions for the CPU. As such, Mittal does not disclose or suggest the cited feature of claim 1.

As none of Thomas, Shiell, or Mittal individually disclose an artificial activity generator within the power management logic to generate artificial activity within the CPU whenever the CPU is below the predetermined threshold to minimize current spikes within the CPU, the artificial activity being simulated instructions for the CPU, any combination of

Thomas, Shiell, and Mittal also does not disclose such a feature. Therefore, claim 1, as well as its dependent claims, is patentable over Thomas and Shiell in view of Mittal.

Independent claims 8, and 16 also recite, in part, <u>an artificial activity generator within the power management logic to generate artificial activity within the CPU whenever the CPU is below the predetermined threshold to minimize current spikes within the CPU, the artificial activity being simulated instructions for the CPU</u>. As discussed above, Thomas and Shiell in view of Mittal does not disclose or suggest such a feature. Therefore, claims 8 and 16, as well as their respective dependent claims, are patentable over Thomas and Shiell in view of Mittal for the reasons discussed above with respect to claim 1.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: January 25, 2007

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